S.B.Cr.Misc. Bail App. No.5565/2007

(Chhota Singh Vs. State of Rajasthan)

Date of order : December 12, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as the challan papers.

It is contended by the learned counsel for the petitioner that the main accused in the case, who inflicted the injuries to deceased is Lali Singh and a blood stained lathi has been recovered from him. Learned counsel for the petitioner submits that nothing has been recovered from the present petitioner. So far as co-accused Lali Singh is concerned, there is evidence that he made extra-judicial confession before the witness Smt. Charan Jeet Kaur, who is the witness to the occurrence. She stated that co-accused Lali Singh armed with lathi and Chhota Singh also armed with Lathi. However, Lali Singh stated that her husband's work has been done finally and if she makes any attempt, he would kill her and her children. Learned counsel for the petitioner submits that so far as present petitioner is

concerned, neither any over act has been assigned to him nor anything has been recovered from him.

Having regard to the facts and circumstances of the case and the fact that it was co-accused Lali Singh, who alleged to have been armed with Lathi, which has been recovered with blood stained and the fact that the case of the present petitioner is distinguishable from that of co-accused Lali Singh, without commenting on the merit of the case, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Chhota Singh s/o Harnam Singh be released on bail in FIR No.42/2007, P.S. Muklawa, Distt. Sri Ganganagar provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-